

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPOINTING NEW BOARD MEMBERS TO THE BOARD OF TRUSTEES OF THE MUSEUM OF CONTEMPORARY ART, INC., PURSUANT TO A SETTLEMENT AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FORMER BOARD OF TRUSTEES STYLED AS MUSEUM OF CONTEMPORARY ART, INC., V. CITY OF NORTH MIAMI, CASE NO.: 14-008991 CA (30), AND IN ACCORDANCE WITH CHAPTER 2, ARTICLE 3, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, in October 1980, in Ordinance Number 768, et. seq., the Mayor and City Council of the City of North Miami created and established a Board of Trustees for the formation of a North Miami museum “to sponsor and promote exhibits, special events, functions and activities for the benefit of the public and shall further the development of the North Miami Museum”; and

WHEREAS, the purpose of the Museum outlined in Section 3 of the Articles of Incorporation was to:

- a. to sponsor and promote exhibits, special events, functions and activities for the benefit of the public;
- b. to further the development of the North Miami Museum;
- c. to conduct classes in the visual arts;
- d. to do all things as may be permitted in the running of an institution engaged in the display and teaching of the art; and

WHEREAS, the current Board of Trustees (“Board Members”) of the Museum of Contemporary Art (“MOCA”) filed a lawsuit against the City of North Miami (“City”), Museum of Contemporary Art, Inc., v. City of North Miami, Case No.: 14-008991 CA (30); and

WHEREAS, the parties were directed to court ordered mediation and remained in negotiations until both sides were able to resolve the dispute that culminated into a Settlement Agreement, (the “Agreement”); and

WHEREAS, among other things, the Agreement provided for the resignation of the Board Members; and

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WHEREAS, in accordance with the Agreement, the Former Board Members as listed below have officially resigned:

Irma Braman	Haley Binn	Jerome Kerr-Jarrett
Ray Ellen Yarkin	Tom Bloom	Jan Lewis
Sheldon Anderson	Ella Fontanals-Cisneros	Diane Lieberman
Andrew Smulian	Aldona Czerneck	Janice Lipton
Paula Morabit	Jorge Gonzalez	Sandra Muss
Cindi Nash	Barbara Herzber	Evan Reed
Dr. Kira Flanzraich	Rosalind Jacobs	Joan Levien Robertson
Michael Collins	Joanne Katz	Raquel Scheck
Lenore Sender	Jackie Soffer	Deepak Soni

and;

WHEREAS, Chapter 2, Article 3, Section 2-61 (3), of the City of North Miami Code of Ordinances, allows the Mayor and each Councilmember to appoint two (2) members each, one of which must be a City resident to the Board of Trustees; and

WHEREAS, pursuant to Section 2-61, the Mayor and Council approve the following individuals to the Board of Trustees of MOCA, (See Enclosed List as Exhibit "A").

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals set forth above are adopted by the Mayor and City Council of the City of North Miami, Florida and are incorporated herein.

Section 2. Acceptance of Resignation. The Mayor and City Council of the City of North Miami, Florida, hereby accept the resignation of the outgoing Board Members of the Board of Trustees of MOCA as outlined above.

Section 3. Appointments. The Mayor and City Council of the City of North Miami, Florida, hereby appoint new members to the Board of Trustees of MOCA as outlined above.

Section 4. Effective Date. This Resolution shall become effective immediately upon execution of the Settlement Agreement.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of November, 2014.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Dr. Smith Joseph
Vice Mayor Philippe Bien-Aime
Councilperson Scott Galvin
Councilperson Carol Keys, Esq.
Councilperson Marie Erlande Steril

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

Exhibit "A"

APPOINTMENT OF NEW BOARD MEMBERS TO THE BOARD OF TRUSTEES OF THE MUSEUM OF CONTEMPORARY ART, INC.

NEW BOARD MEMBERS

1. Ronald L. Book, PA
2. Michael Dezer
3. Dr. Ernest M. DiGeronimo, M.D.
4. Dr. Joseph Fanfan, Jr.
5. Brian Flanagan
6. Ofer Mizrahi
7. Richard LeFrak
8. Honorable Karen Mills-Francis
9. Dr. Rudolph G. Moise
10. Sheldon A. Philp, Esq.
11. Larinus "Larry" Pierre, M.D.
12. Mary Ann Portell
13. Clark Reynolds
14. Pamella B. Watson
15. Chris N. Okeke, Esq.